ssm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3219 OF 2007

Chandrashekhar Arjun Pillai & Anr. ...Petitioners
Vs.
Sujata Shantaram Mistry ...Respondent.

Mr.R.S.Datar for the petitioners.

Mr. P.M.Mokashi for the respondent.

CORAM : ANOOP V. MOHTA,J.
DATED : 25th July, 2007

P.C.

1. Considering the earlier order passed by this Court in Writ Petition No. 3212 of 2007, in this petition it is also necessary that the issue should be recasted as under:-

. "Does the opponent proves that he has got independent right,title and interest in the flat in possession."

2. The impugned order dated 14th March, 2007 is accordingly quashed and set aside. The Court to proceed on the basis of above re-casted issue No.1 alongwith the other issues. The parties be heard. The petition is, therefore, allowed and is disposed off accordingly.

3. No costs.

(ANOOP V. MOHTA, J.)